

REMARKS

This amendment is offered in response to the Office Action of August 12, 2004.

The Office Action rejected Claim 4 under 35 U.S.C. §102(b) as anticipated by the Laguerre reference (U.S. Patent No. 3,701,192). Apparently, this rejection is based upon a reading of the stops 38, 38a being the claimed “forked member” of the pusher. However, as is clear from Figures 2 and 3 (also see col. 4, lines 47-51), the stops 38, 38a do not engage the zipper in any way. Rather, the flat-headed pusher 8 engages the zipper. In order to clarify this distinction, Claim 1 has been amended to recite that the pusher includes “a forked member with protruding fins, said protruding fins ~~for~~ engaging a portion of said zipper to offset said first interlocking member relative to said second interlocking member in the direction of movement of said pusher”. It should be crystal clear that neither the stops 38, 38a nor any other element of the Laguerre reference do anything remotely suggesting “engaging a portion of said zipper to offset said first interlocking member relative to said interlocking member in the direction of movement of said pusher”. What the Laguerre reference does disclose is that the interlocking elements are completely separated, rather than offset, one from another before the slider is mounted onto the separated, interlocking elements. This separation is shown in Figure 4, where the interlocking elements are separated right after the drive rolls 7 and 7a, and the mounting of the slider on the separated fastener can be seen clearly in Figure 3. Figure 3 clearly shows that the pusher 8 pushes the slider 14 onto the separated profiles 6 and 6a. There are no forks on the pusher, which has a flat pushing surface, and there is no offsetting of the zipper elements because they are already, as stated above, separated.

It is therefore respectfully submitted that the rejection under 35 U.S.C. §102(b) is overcome.

The Office Action rejected Claims 5-8 under 35 U.S.C. §103(a) as being obvious over the Laguerre reference. As discussed hereinabove with respect to the 35 U.S.C. §102(b) rejection, the cited elements 38, 38a in the Laguerre reference are “stops” which do not engage the zipper in any way. There is nothing in Laguerre which discloses or suggests protruding fins which engage a portion of the zipper in accordance with the above-quoted claim language. There is likewise nothing in Laguerre which discloses or suggest the claimed bordering of “curved clearance” by the protruding fins as recited in Claim 5. Moreover, the statement that it would have been obvious to “modif[y] Laguerre’s forked clearance to be on curved shape clearance by curving the surface of pusher 8” has absolutely no basis and it clearly the result of the benefit of hindsight gained after review of the disclosure, which is clearly improper.

It is therefore respectfully submitted that the rejection under 35 U.S.C. §103(a) has been overcome.

Claim 9, to which the Office Action objected, has been rewritten in independent format. It is therefore respectfully submitted that Claims 9-15 are in immediate condition for allowance.

For all of the reasons above, it is respectfully submitted that all of the presently pending

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claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", with a long horizontal flourish extending to the right.

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